

MKB:DAS  
F.# 2003R02839

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X  
UNITED STATES OF AMERICA

**NOTICE OF MOTION**

- against -  
LARRY STATHAKIS,

Criminal Action  
No. 04-790 (S-1) (CBA)

Defendant,  
- and -  
JOHN ZAPAS,  
Surety.

- - - - -X

PLEASE TAKE NOTICE that upon the annexed application of ROSLYNN MAUSKOPF, United States Attorney for the Eastern District of New York, by Assistant United States Attorneys Daniel Spector and Edward Newman, of counsel, before the Honorable Cheryl Pollak, United States District Judge for the Eastern District of New York, at 11:00 a.m. on April 20, 2007, or as soon thereafter as counsel may be heard, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, the United States will move for: (1) an order, pursuant to Rule 46(f)(1) of the Federal Rules of Criminal Procedure, forfeiting the bail posted herein; (2) an order, pursuant to Rule 46(f)(3) of the Federal Rules of Criminal Procedure, entering judgment on the bail bond of LARRY STATHAKIS ("STATHAKIS"), against STATHAKIS as defendant, and JOHN ZAPAS ("ZAPAS"), as sureties in the amount of Five Million Dollars (\$5,000,000.00); (3) an order forfeiting to the

United States all rights, title and interest in the premises and real property located at 131-56 40<sup>th</sup> Road, Flushing New York, New York, owned by THE SURETY JOHN ZAPAS, posted as security for STATHAKIS's bail bond; (4) an order forfeiting to the United States all rights, title and interest in the premises and real property located at 131-50 40<sup>th</sup> Road, Flushing, New York, owned by THE SURETY JOHN ZAPAS, posted as security for STATHAKIS's bail bond; (5) an order forfeiting to the United States all rights, title and interest in the premises and real property located at 144-28 217<sup>th</sup> Street, Whitestone, New York, owned by THE SURETY JOHN ZAPAS, posted as security for STATHAKIS's bail bond; (6) an order directing the United States Marshal to place the United States of America in immediate peaceful and exclusive possession of the aforementioned parcels of real property; and (7) an order appointing a Receiver, pursuant to Rule 69 of the Federal Rules of Civil Procedure and Section 5228 of the New York Civil Practice Laws and Rule, to take possession of and sell the aforementioned parcels of real property and apply the sale

proceeds in partial satisfaction of the judgment entered against  
STATHAKIS and the SURETY .

Dated: Brooklyn, New York  
April 19, 2007

ROSLYNN MAUSKOPF  
United States Attorney  
Eastern District of New York  
One Pierrepont Plaza  
Brooklyn, New York 11201

By: /s/ Daniel Spector  
DANIEL SPECTOR  
EDWARD K. NEWMAN  
Assistant U.S. Attorneys  
(718) 254-6345  
(718) 254-6069

TO: LARRY STATHAKIS  
JOHN ZAPAS  
CLERK OF COURT

MKB:DAS  
F.# 2003R02839

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X  
UNITED STATES OF AMERICA

**NOTICE TO CLERK OF COURT**

- against -

Criminal Action  
No. 04-790 (S-1) (CBA)

LARRY STATHAKIS,

Defendant,  
- and -

JOHN ZAPAS,

Surety.

- - - - -X

S I R:

You are hereby directed to serve a copy of (1) the accompanying Notice of Motion for, inter alia, an order pursuant to Rule 46(e)(3) of the Federal Rules of Criminal Procedure, entering judgment on the bail bond in the above-captioned action; (2) the accompanying proposed "Order Directing Entry of Judgment and Appointing a Receiver"; (3) the three accompanying proposed "Order[s] of Forfeiture of Real Property and Judgment"; (4) Declaration; and (5) this notice on the following persons at their last known addresses:

1. LARRY STATHAKIS  
Metropolitan Detention Center  
MDC Brooklyn  
P.O. Box 329002  
Bklyn, NY 11232  
and

c/o Charles Carnesi, Esq.  
1225 Franklin Avenue, Suite 325  
Garden City, N.Y. 11530

2. JOHN ZAPAS  
3443 Fulton Street  
Brooklyn, New York

You are directed to effect service by mailing the  
above-described documents forthwith.

This notice is served upon you in furtherance of Rule  
46(f)(3) of the Federal Rules of Criminal Procedure.

Dated: Brooklyn, New York  
April 19, 2007

ROSLYNN MAUSKOPF  
United States Attorney  
Eastern District of New York  
One Pierrepont Plaza  
Brooklyn, New York 11201

By: /s/ Daniel Spector  
DANIEL SPECTOR  
EDWARD K. NEWMAN  
Assistant U.S. Attorneys  
(718) 254-6345  
(718) 254-6069

TO: LARRY STATHAKIS  
JOHN ZAPAS  
CLERK OF COURT

MKB:DAS  
F.# 2003R02839

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X  
UNITED STATES OF AMERICA

**DECLARATION**

- against -

Criminal Action  
No. 04-790 (S-1) (CBA)

LARRY STATHAKIS,

Defendant,  
- and -

JOHN ZAPAS,  
Surety.

- - - - -X

DANIEL SPECTOR hereby declares as follows:

1. I am an Assistant United States Attorney, duly appointed according to law and on the staff of the Office of ROSLYNN MAUSKOPF, United States Attorney for the Eastern District of New York, attorney for plaintiff.

2. On February 17, 2006, United States Magistrate Judge Robert Levy set bail in the above-entitled action for LARRY STATHAKIS ("STATHAKIS") at FIVE MILLION (\$5,000,000.00), as is reflected in his bail bond, a copy of which is annexed hereto as "Exhibit A," signed by him and the surety listed in the caption of this declaration: JOHN ZAPAS ("ZAPAS").

3. The bail was secured by the premises and real property located at 131-56 40<sup>th</sup> Road, Flushing, New York owned by JOHN ZAPAS.

4. The bail was further secured by premises and real property located at 131-50 40<sup>th</sup> Road, Flushing, New York, owned by JOHN ZAPAS.

5. The bail was further secured by premises and real property located at 144-28 217<sup>th</sup> Street, Whitestone, New York, owned by JOHN ZAPAS.

6. On November 21, 2006, the government sought to revoke STATHAKIS's bond, on the grounds that he had violated the conditions of his release by engaging in witness tampering. Magistrate Judge Lois Bloom denied the government's application, however Judge Bloom explicitly warned STATHAKIS not to have any contact with witnesses or further violate the conditions of his bond in any way.

7. Despite these warnings, STATHAKIS again breached the conditions of his release, resulting in the revocation of his bond and his incarceration on February 5, 2007. See Transcript of Proceedings, February 5, 2007 (attached hereto as Exhibit B). Specifically, on or about January 29, 2007, STATHAKIS attempted to contact Costas Philippou, a witness for the government. Tr. at 17-18. STATHAKIS was unable to reach Philippou, but relayed a message through Philippou's son-in-law, in which STATHAKIS pressured Philippou not to testify at STATHAKIS's trial. Tr. at 13, 18. STATHAKIS further threatened Philippou, stating that if

Philippou testified "he's going to have bad implications." Tr. at 13.

8. Based upon testimony concerning STATHAKIS's actions as set forth above, Magistrate Judge Marilyn Go held that "there is clear and convincing evidence that [STATHAKIS] violated Judge Bloom's order for release." Tr. at 19-20.

WHEREFORE, the United States respectfully requests an order (1) forfeiting to the United States of America the bail posted herein; (2) directing the Clerk of the United States District Court for the Eastern District of New York to enter judgment by default against STATHAKIS AND ZAPAS in the amount of FIVE MILLION (\$5,000,000.00); (3) an order forfeiting to the United States all rights, title and interest in the premises and real property located at 131-56 40<sup>th</sup> Road, Flushing, New York, owned by THE SURETY JOHN ZAPAS, posted as security for STATHAKIS's bail bond; (4) an order forfeiting to the United States all rights, title and interest in the premises and real property located at 131-50 40<sup>th</sup> Road, Flushing, New York, owned by THE SURETY JOHN ZAPAS, posted as security for STATHAKIS's bail bond; (5) an order forfeiting to the United States all rights, title and interest in the premises and real property located at 144-28 217<sup>th</sup> Street, Whitestone, New York, owned by THE SURETY JOHN ZAPAS, posted as security for STATHAKIS's bail bond; (6) an order directing the United States Marshal to place the United



States of America in immediate peaceful and exclusive possession of the aforementioned parcels of real property; and (7) an order appointing a Receiver, pursuant to Rule 69 of the Federal Rules of Civil Procedure and Section 5228 of the New York Civil Practice Laws and Rule, to take possession of and sell the aforementioned parcels of real property and apply the sale proceeds in partial satisfaction of the judgment entered against STATHAKIS and the SURETY .

I declare under the penalty of perjury that the foregoing is true to the best of my knowledge, information and belief.

Dated: Brooklyn, New York  
April 19, 2007.

/s/ Daniel Spector  
DANIEL SPECTOR  
Assistant U.S. Attorney

MKB:DAS  
F.# 2003R02839

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

LARRY STATHAKIS,

Defendant,

- and -

JOHN ZAPAS,

Surety.

- - - - -X

**ORDER DIRECTING ENTRY  
OF JUDGMENT AND  
APPOINTMENT OF RECEIVER**

Criminal Action  
No. 04-790 (S-1) (CBA)

The United States of America having moved for an order (1) forfeiting to the United States of America the bail posted herein; (2) directing the Clerk of the United States District Court for the Eastern District of New York to enter judgment by default against STATHAKIS AND ZAPAS in the amount of FIVE MILLION (\$5,000,000.00); (3) an order forfeiting to the United States all rights, title and interest in the premises and real property located at 131-56 40<sup>th</sup> Road, Flushing, New York, owned by THE SURETY JOHN ZAPAS, posted as security for STATHAKIS's bail bond; (4) an order forfeiting to the United States all rights, title and interest in the premises and real property located at 131-50 40<sup>th</sup> Road, Flushing, New York, owned by THE SURETY JOHN ZAPAS, posted as security for STATHAKIS's bail bond; (5) an order

forfeiting to the United States all rights, title and interest in the premises and real property located at 144-28 217<sup>th</sup> Street, Whitestone, New York, owned by THE SURETY JOHN ZAPAS, posted as security for STATHAKIS's bail bond; (6) an order directing the United States Marshal to place the United States of America in immediate peaceful and exclusive possession of the aforementioned parcels of real property; and (7) an order appointing a Receiver, pursuant to Rule 69 of the Federal Rules of Civil Procedure and Section 5228 of the New York Civil Practice Laws and Rule, to take possession of and sell the aforementioned parcels of real property and apply the sale proceeds in partial satisfaction of the judgment entered against STATHAKIS and the SURETY; and it appearing to the Court from the declaration of Assistant United States Attorney Daniel Spector dated the this 19th day of April, 2007, submitted in support of the United States' application, and from all the previous Court's records herein, that the relief requested should be granted, it is hereby

ORDERED that the defendant STATHAKIS's bail is hereby forfeited; and it is further

ORDERED that the Clerk of the United States District Court for the Eastern District of New York is hereby directed to enter judgment against the defendant STATHAKIS, as principal, and JOHN ZAPAS, as surety, jointly and severally in the amount of FIVE MILLION Dollars (\$5,000,000.00); and it is further

ORDERED that all rights, title and interest in the premises and real property located at 131-56 40<sup>th</sup> Road, Flushing, New York, owned by THE SURETY JOHN ZAPAS, posted as security for STATHAKIS's bail bond are hereby forfeited to and vested in the United States; and it is further

ORDERED that all rights, title and interest in the premises and real property located at 131-50 40<sup>th</sup> Road, Flushing, New York, owned by THE SURETY JOHN ZAPAS, and posted as security for STATHAKIS's bail bond are hereby forfeited to and vested in the United States; and it is further

ORDERED that all rights, title and interest in the premises and real property located at 144-28 217<sup>th</sup> Street, Whitestone, New York, owned by THE SURETY JOHN ZAPAS, and posted as security for STATHAKIS's bail bond are hereby forfeited to and vested in the United States; and it is further

ORDERED that the United States Marshal is directed to place the United States of America in immediate peaceful and exclusive possession of the aforementioned parcels of real property, and it is further

ORDERED that \_\_\_\_\_ of \_\_\_\_\_ is hereby appointed receiver of the aforementioned parcels of real property; and it is further

ORDERED that the Receiver take such steps as are reasonably necessary to sell the real property and to preserve

them during the period of the Receivership estate; and it is further

ORDERED that the Receiver may incur such expenses that are reasonable and necessary to preserve and to sell the real property, including, but not limited to, brokers' fees and commissions, utilities, heat, insurance, local taxes, legal fees, accountants' fees, managing agent fees or commissioner; and it is further

ORDERED that the Receiver obtain three appraisals of each piece of real property from disinterested licensed real estate brokers familiar with the value of similar parcels in the locale where the parcel is located, and submit copies of there appraisals to the Court, to the parties having pledged the parcel, and to the attorney for the United States of America, with a copy of any contract of sale entered into for a parcel; and it is further

ORDERED that within ten days after the Receiver has served the aforementioned copies of the contract of sale and the appraisals any interested party may file his or her objection to the proposed sale with the Court; and it is further

ORDERED that out of the gross proceeds of the sale the Receiver shall first pay the reasonable and necessary expenses incurred by him in preserving, and selling the premises; and it is further

ORDERED that the Receiver retain five (5) percent of the gross proceeds of the sale as his commission; and it is further

ORDERED that, if any reasonable and necessary expenses of the Receiver must be paid prior to the sale, the Receiver shall submit the bills for those expenses to the United States Attorney, who will advance funds to pay those expenses; and it is further

ORDERED that all funds advanced by the United States Attorney to pay expenses incurred by the Receiver shall be reimbursed by the Receiver to the United States Attorney out of the gross proceeds of sale; and it is further

ORDERED that the proceeds of the sale remaining in the hands of the Receiver after payment of the necessary and reasonable expenses, Receiver's commissions and the reimbursement to the United States Attorney for funds advanced by him, plus the balance on hand of any rent received, shall be delivered to the United States Attorney and credited against the judgment entered in the above-entitled criminal proceeding; and it is further

ORDERED that the Receiver is empowered to execute any and all documents that are necessary for conducting the sale and the title closing; and it is further

ORDERED that the Receiver may request ex parte to have the Court direct the United States Marshal place the Receiver in

exclusive peaceful possession of all of the real property; and it is further

ORDERED that during the period of receivership, the Receiver is authorized and directed to:

1. Collect and receive all rents, issues and profits accrued or accruing from any parcel;
2. Employ, discharge, and fix the compensation of all such agents and employees as are necessary for the management and operation of the real property;
3. Pay the essential operating and maintenance expenses and to make such repairs as may be necessary to preserve the real property and prevent its deterioration; and
4. Enter into leases with existing or new tenants of the premises; and it is further

ORDERED that, in addition to the Receiver's commission previously provided for, the Receiver may retain five (5) percent of the gross rents he collects during the period of Receivership.

Dated: Brooklyn, New York  
                                , 2007

HONORABLE CHERYL L. POLLAK  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK

MKB:DAS  
F.# 2003R02839

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

LARRY STATHAKIS,

Defendant,

- and -

JOHN ZAPAS,

Surety.

**ORDER OF FORFEITURE  
OF REAL PROPERTY  
AND JUDGMENT**

Criminal Action  
No. 04-790 (S-1) (CBA)

- - - - -X

The United States of America having moved this Court on the \_\_\_\_ day of \_\_\_\_\_, 2007, for an order forfeiting to and vesting in the United States of America all right, title and interest in the premises and real property located at 131-56 40<sup>th</sup> Road, Flushing, New York, owned by surety JOHN ZAPAS, more fully described as follows:

In the Borough of and County of Queens, City and State of New York, (Block 5460, Lot 46) bounded and described as follows: BEGINNING at a point on the southerly side of 40<sup>th</sup> Road, formerly Grove Street, 50 feet wide, distant 67.40 feet westerly from the corner formed by the intersection of the said southerly side of 40<sup>th</sup> Road with the westerly side of College Point Boulevard, formerly Lawrence Street, 100 feet wide; RUNNING THENCE westerly along the southerly side of 40<sup>th</sup> Road, 243.33 feet; THENCE southerly at right angles to the southerly side of 40<sup>th</sup> Road, 70 feet to the Long Island Railroad Company;



THENCE easterly parallel with 40<sup>th</sup> Road and along the northerly line of the land of the Long Island Railroad company, 175 feet to a point;

CONTINUING easterly along a line forming an interior angle of 188 degrees, 46 minutes 00 seconds with the preceding course and still along said Railroad land, 32.80 feet to a point;

CONTINUING easterly parallel with 40<sup>th</sup> Road, and still along said Railroad land, 68.84 feet to the westerly side of College Point Boulevard;

THENCE northerly along the westerly side of College Point Boulevard, 27.51 feet;

THENCE westerly parallel with 40<sup>th</sup> Road, 68.36 feet;

THENCE northerly along a line forming an exterior angel of 64 degrees, 25 minutes 00 seconds with the preceding course, 55 .43 feet to the southerly side of 40<sup>th</sup> Road, to the point or place of BEGINNING. ; and

it appearing to the Court that the relief sought should be granted, it is hereby

ORDERED that all right, title and interest of JOHN ZAPAS, as surety, in the parcel of real property known as 131-56 40<sup>th</sup> Road, Flushing, New York, is forfeited to and vested in the United States of America.

Dated: Brooklyn, New York  
, 2007

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HONORABLE CHERYL L. POLLAK  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK

MKB:DAS  
F.# 2003R02839

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

LARRY STATHAKIS,

Defendant,

- and -

JOHN ZAPAS,

Surety.

**ORDER OF FORFEITURE  
OF REAL PROPERTY  
AND JUDGMENT**

Criminal Action  
No. 04-790 (S-1) (CBA)

- - - - -X

The United States of America having moved this Court on  
the \_\_\_\_ day of \_\_\_\_\_, 2007, for an order forfeiting to and  
vesting in the United States of America all right, title and  
interest in the premises and real property located at 131-50 40<sup>th</sup>  
Road, Flushing, New York, owned by surety JOHN ZAPAS, more  
fully described as follows:

In the Borough of and County of Queens, City  
and State of New York, (Block 5460, Lot 47)  
bounded and described as follows: BEGINNING  
at a point on the southerly side of 40<sup>th</sup>  
Road, formerly Grove Street, 50 feet wide,  
distant 67.40 feet westerly from the corner  
formed by the intersection of the said  
southerly side of 40<sup>th</sup> Road with the westerly  
side of College Point Boulevard, formerly  
Lawrence Street, 100 feet wide;  
RUNNING THENCE westerly along the southerly  
side of 40<sup>th</sup> Road, 243.33 feet; THENCE  
southerly at right angles to the southerly  
side of 40<sup>TH</sup> Road, 70 feet to the Long  
Island Railroad Company;

THENCE easterly parallel with 40<sup>th</sup> Road and along the northerly line of the land of the Long Island Railroad company, 175 feet to a point;

CONTINUING easterly along a line forming an interior angle of 188 degrees, 46 minutes 00 seconds with the preceding course and still along said Railroad land, 32.80 feet to a point;

CONTINUING easterly parallel with 40<sup>th</sup> Road, and still along said Railroad land, 68.84 feet to the westerly side of College Point Boulevard;

THENCE northerly along the westerly side of College Point Boulevard, 27.51 feet;

THENCE westerly parallel with 40<sup>th</sup> Road, 68.36 feet;

THENCE northerly along a line forming an exterior angel of 64 degrees, 25 minutes 00 seconds with the preceding course, 55 .43 feet to the southerly side of 40<sup>th</sup> Road, to the point or place of BEGINNING.

Said premises being known as and by the street address 131-66 40<sup>th</sup> Road, Flushing New York 11361 ; and

it appearing to the Court that the relief sought should be granted, it is hereby

ORDERED that all right, title and interest of JOHN ZAPAS, as surety, in the parcel of real property known as 131-50 40<sup>th</sup> Road, Flushing, New York, is forfeited to and vested in the United States of America.

Dated: Brooklyn, New York  
, 2007

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HONORABLE CHERYL L. POLLAK  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK

MKB:DAS  
F.# 2003R02839

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

LARRY STATHAKIS,

Defendant,

- and -

JOHN ZAPAS,

Surety.

- - - - -X

**ORDER OF FORFEITURE  
OF REAL PROPERTY  
AND JUDGMENT**

Criminal Action  
No. 04-790 (S-1) (CBA)

The United States of America having moved this Court on the \_\_\_\_ day of \_\_\_\_\_, 2007, for an order forfeiting to and vesting in the United States of America all right, title and interest in the premises and real property located at 144-28 217<sup>th</sup> Street, Whitestone, New York, owned by surety JOHN ZAPAS; and it appearing to the Court that the relief sought should be granted, it is hereby

ORDERED that all right, title and interest of JOHN ZAPAS, as surety, in the parcel of real

property known as 144-28 217<sup>th</sup> Street, Whitestone, New York, is  
forfeited to and vested in the United States of America.

Dated: Brooklyn, New York  
                                , 2007

HONORABLE CHERYL L. POLLAK  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK